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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,867	02/08/2002	Sang-Gu Lee	5294-000004	8718
27572	7590 03/26/2003			
HARNESS,	DICKEY & PIERCE, F	EXAMINER		
P.O. BOX 828		MOSHER, MARY		
BLOOMFIEL	D HILLS, MI 48303			
			ART UNIT	PAPER NUMBER
			1648	57
v.			DATE MAILED: 03/26/2003	7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/071,867

Applicant(s)

Lee et al

Examiner

Mosher

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	The MAILING DATE of this communication appears	on the cover s	heet with	the correspondence address			
	or Reply						
	ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION.	TO EXPIRE _	one	_ MONTH(S) FROM			
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.							
- If the p - If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the seriod for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the patent term adjustment. See 37 CFR 1.704(b).	and will expire SIX () he application to bed	6) MONTHS from ABANDO	om the mailing date of this communication. ONED (35 U.S.C. § 133).			
Status							
1) 🗆	Responsive to communication(s) filed on			·			
2a) ∟	This action is FINAL . 2b) 💢 This act	ion is non-fina	al.	,			
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.						
	tion of Claims						
4) 🗶	Claim(s) <u>1-55</u>			is/are pending in the application.			
4	a) Of the above, claim(s)			is/are withdrawn from consideration.			
5) 🗆	Claim(s)			is/are allowed.			
6) 🗆	Claim(s)			is/are rejected.			
	Claim(s)						
	Claims <u>1-55</u>						
Application Papers							
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11)	The proposed drawing correction filed on	i	s: a)□ a	pproved b) \square disapproved by the Examiner.			
If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some* c) None of:							
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
*See the attached detailed Office action for a list of the certified copies not received.							
٠. ٦	14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).						
a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121							
2. 12. 12. 12. 12. 12. 12. 12. 12. 12. 1							
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s).							
	tice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)					
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s).							

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-19, 22, and 26-29, and claims 20, 23-25, 30-51 (in part), drawn to process and product made by mutating the insert of a single-stranded RNA vector to change the GC characteristics, classified in class 435, subclass 475 for example.
- II. Claims 20 (in part), 21, 23-25 (in part), and 30-51 (in part), drawn to process and product made by selecting a naturally-occurring sequence having certain GC characteristics for insertion in a single-stranded RNA vector, classified in class 435, subclass 475 for example.
- III. Claims 52-55, drawn to PCR method, classified in class 435, subclass 91.2 for example.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not capable of use together and have different modes of operation, since one involves selection of a natural sequence with specific characteristics, and the other requires deliberate alteration of a sequence. The methods have different active steps and use different starting materials to make different products.

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Inventions III and (I or II) are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the PCR method, as claimed, can be used to make any type of nucleic acid, and the RNA virus vectors, as claimed, can be made without use of any PCR method.

Because these inventions are distinct for the reasons given above and the search required for each of the Groups is not required for the other Groups, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary E. Mosher, Ph.D. whose telephone number is (703) 308-2926. The

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examiner can normally be reached on Monday -Thursday and alternate Fridays from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (703) 308-4027. The fax phone number for this Group is now (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

March 25, 2003

MARY E. MOSHER PRIMARY EXAMINER GROUP 1800'

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